

**DECISION**



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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548**

**FILE:** B-212287

**DATE:** August 2, 1983

**MATTER OF:** Ackerman Johnson Fastening Systems, Inc.

**DIGEST:**

The contract in an advertised procurement must be awarded to the low responsive, responsible bidder. Therefore, the fact that a certificate of competency was issued to the second low bidder does not affect the award of the contract where the low bidder also is responsible.

Ackerman Johnson Fastening Systems, Inc. protests the award of contract GS/04S to another bidder under General Services Administration (GSA) solicitation No. AT/TC 19409. Ackerman Johnson complains that GSA referred its bid to the Small Business Administration (SBA) for a certificate of competency (COC), even though the firm was not the low responsive bidder. Since the SBA issued the COC, the protester argues that Ackerman Johnson should have received the contract award.

We summarily deny the protest.

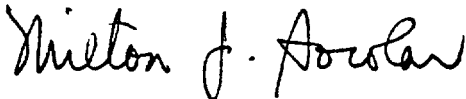
It is unfortunate that GSA referred the matter of Ackerman Johnson's responsibility to the SBA and thereby misled the firm into expecting an award if a COC was issued. See 15 U.S.C. § 637(b)(7) (Supp. IV 1980). Nevertheless, by statute, the contract in an advertised procurement must be awarded to the low responsive, responsible bidder. 41 U.S.C. § 253 (1976). Ackerman does not suggest that the low bidder was not responsive in this case, and the SBA also issued a COC to the low bidder, conclusively determining it to be responsible.

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The fact that the second low bidder is also responsible is not relevant to the selection decision. The Willard Company, B-205933, July 1, 1982, 82-2 CPD 3.

Thus, even though the SBA issued a COC to Ackerman Johnson, the firm was not entitled to the award since it was not the low bidder. The protest is denied.

*for*   
Comptroller General  
of the United States